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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	)	
<b>JAMES RICHARD STRINGHAM</b>	)	STIPULATION AND ORDER
TO PRACTICE AS A LICENSED	)	
CLINICAL SOCIAL WORKER	)	CASE NO DOPL 2011-46
IN THE STATE OF UTAH	)	

**JAMES RICHARD STRINGHAM** ("Respondent") and the **DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of  
the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the  
subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and  
voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Social Worker Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4102(4)

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Division Director, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a licensed clinical social worker in the State of Utah on or about March 13, 1998
- b On or about December 31, 2008 Respondent voluntarily entered into a Stipulation and Order with the Division in DOPL Case No 2008-168, a copy of which is incorporated by reference into this Stipulation and Order and attached as Exhibit A Pursuant to Exhibit A, Respondent's license was revoked, the revocation stayed, and Respondent's license placed on probation, subject to terms and conditions, for a period of three years
- c On about October 12, 2010 Respondent authored a letter on behalf of a client, herein referred to as "Jane Doe " The letter was written to a Utah judge and stated, as though it were fact, that Jane Doe "has completed all requirements of the California Child Protection Unit " Respondent admitted to a Division investigator that Respondent did not have the client demonstrate successful completion of the requirements of the California Child Protection Unit, and based the statement solely on what Jane Doe told Respondent
- d On or about October 8, 2010 Respondent placed the Minnesota Multiphasic Personality Inventory 2 RF booklet and score sheet on the microwave oven in his office complex The packet was reportedly picked up by someone known to Jane Doe Respondent reported that Jane Doe had recently given birth to a baby and could not come into the office Jane Doe presumably answered the questions at a place other than a controlled environment
- e As a condition of purchase of the MMPI 2 RF from Pearson Corporation, Respondent accepted terms and conditions, use of product terms, copyright, trade secrets and test security Pearson interpreted the measure for Respondent
- f Respondent billed Jane Doe for the MMPI 2 RF, the results of which were not contained within Jane Doe's clinical file at the time Respondent was interviewed by the Division investigator Respondent was later able to produce the answer sheet, "Item Responses" and "Interpretive Report Clinical Settings "
- g On about October 27, 2010 Jane Doe gave the MMPI 2 RF Test Booklet and MMPI 2 RF Interpretive Report with "client copy" written on the face sheet to a clinical psychologist Jane Doe reportedly explained to the clinical psychologist that Respondent had provided her the material to take the test at home Because this was a breach of test security, the psychologist confiscated the test booklet

- h Respondent was not qualified by education and practical experience to administer and utilize the MMPI 2 RF Respondent denied that he had administered the MMPI 2 RF to any other clients since he has been licensed Respondent failed to administer the MMPI 2 RF in a controlled environment and failed to safeguard test security when Respondent released test materials to Jane Doe

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (b), Utah Administrative Code R156-60a-502(17) and (24), and Principles 1 04(a) and (b), 2 05(a), 4 01(a), (b), and (c), and 5 01(a) of the Code of Ethics of the National Association of Social Workers, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) All the terms and conditions of the Stipulation and Order in DOPL Case No 2008-168 remain in effect Respondent's probation shall be extended one year, so that Respondent's probation now terminates on January 8, 2013 During the period of probation, Respondent shall be subject to all of the following additional terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
- (a) **MMPI 2 Restrictions** Respondent shall not administer the MMPI 2 or any other mental health metrics until Respondent verified sufficient competence and knowledge to the Board and the Division regarding the administration of the MMPI 2 Respondent shall abide by any restrictions that the Division and Board place on Respondent's use of the MMPI 2 and other metrics
- (b) **Additional Training in the MMPI 2** Respondent shall successfully complete a course providing training/education on the administration of the MMPI 2, pre-approved by the Division and Board, within one year of the effective date of this Stipulation and Order

9 This Stipulation and Order, upon approval by the Division Director, shall be the final

compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis A public statement includes statements to one or more Board members during a meeting of the Board Any such action or statement shall be considered a violation of this Stipulation and Order

12 The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent shall comply with all

the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

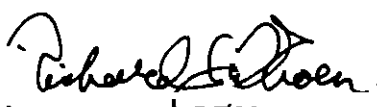
13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY

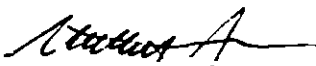
  
**RICHARD J. OBORN**  
Bureau Manager

DATE

2/7/11

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY

  
**L. MITCHELL JONES**  
Counsel for the Division

DATE

7 Feb 2011

RESPONDENT

BY

  
**JAMES RICHARD STRINGHAM**

DATE

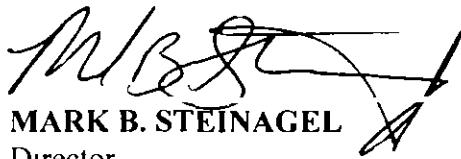
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**ORDER**

THE ABOVE STIPULATION, in the matter of **JAMES RICHARD STRINGHAM**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 8 day of February, 2011

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**MARK B. STEINAGEL**  
Director

Investigator: Dee Thorell